

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRUSTEES FOR THE MICHIGAN
CARPENTERS' COUNCIL PENSION
FUND, et al,

Plaintiffs,

Case No. 4:03-CV-148

-vs-

Hon. Hugh W. Brenneman, Jr.

R.C. SCHLOSSER JR. CONSTRUCTION
CO., et al,

Defendants.

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ORDER

The court has been informed that Defendants have filed a petition in Bankruptcy. In accordance with 11 U.S.C. § 362, this civil action is automatically stayed as to the debtors until the Bankruptcy proceedings in question are terminated or the stay is lifted. 11 U.S.C. § 362(c).

The automatic stay provision of the Bankruptcy Reform Act of 1978, 11 U.S.C. § 101, et seq. halts the commencement or continuation of litigation against the debtor by adverse parties; it does not divest this court of jurisdiction to issue necessary orders in civil actions which are stayed in Bankruptcy. Connell v. Walker, 291 U.S. 1, 54 S.Ct. 257 (1934); Donald F. Duncan Inc. v. Royal Tops Mfg. Co., 381 F.2d 879 (7th Cir. 1967), cert. denied, 390 U.S. 905, 88 S.Ct. 819 (1968).

Therefore, this Court has decided to administratively close the matter, pending termination of the related bankruptcy proceedings.

Accordingly, in the interest of the effective administration of the court's business, without prejudice to either party to this action, and in keeping with the intent and spirit of the automatic stay provision of the Bankruptcy Reform Act, 11 U.S.C. § 362, this matter is hereby CLOSED. This closing is for administrative purposes only and does not constitute a decision on the merits. Upon termination of the aforementioned bankruptcy proceedings, or the lifting of the automatic stay with reference to the instant proceeding, the court will allow either party to move to reopen this action. Any such motion need only refer to this order and it will be granted.

IT IS SO ORDERED.

Dated: October 28, 2005

/s/ Hugh W. Brenneman, Jr.
Hugh W. Brenneman, Jr.
United States Magistrate Judge